

and, therefore, does not present new matter. Since the limitations of claims 2-11 are dependent from claim 1 and were not specifically cited in the Office Action, claims 2-11 are believed to be definite for the same reasons as claim 1. Accordingly, removal of the § 112, first paragraph, rejection of claims 1-11 is respectfully requested.

Section 103(a) Rejections:

Claim 30 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,156,645 to Geha et al. ("Geha") in view of either "Metal Ion Deposition from Ionized Magnetron Sputtering Discharge" by Rossnagel et al. ("Rossnagel-94") or Satitpunwaycha. As will be set forth in more detail below, the § 103(a) rejections of claim 30 is respectfully traversed.

Geha is not available as prior art for the current rejection. As noted above, claim 30 was rejected over a combination of Geha and other cited art. Because the current application has a priority date of December 30, 1999, Geha is available as prior art against the present claims only under 35 U.S.C. §102(e). Under the American Inventors Protection Act of 1999 ("the AIPA"), prior art available only under 35 U.S.C. §102(e) is not usable in a 35 U.S.C. §103 rejection if the art meets the common ownership requirements of 35 U.S.C. §103(c) as amended. The following is a quotation of the revised 35 U.S.C. §103(c) (as of December 14, 2000):

Subject matter developed by another person, which qualifies as prior art only under one of more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The AIPA, therefore, amended 35 U.S.C. §103(c) to state that art which qualifies as prior art only under 35 U.S.C. §102(e), (f), or (g) is not available for rejections under 35 U.S.C. §103 if that art was commonly owned or subject to an obligation of assignment at the time the subject invention was made. This change to 35 U.S.C. §103(c) is effective for any application filed on or after November 29, 1999.

It is noted that upon filing of the present application, the patent to Geha and the present application were commonly owned by or subject to an obligation of assignment to the same assignee, Cypress Semiconductor Corporation of San Jose, CA. The assignment for Geha is

recorded at reel 8234, frame 0189. The assignment for the present application is recorded at reel 010496, frame 0572. In addition, the present application is an application for patent filed after November 29, 1999 and, thus, is subject to the amendments to § 103(c) made by the AIPA. Consequently, Geha is not available as prior art against claims of the present application.

Since Geha is not available as prior art under the current rejection, no combination of Geha with other cited art may be used for the current rejection. As such, the combination of the references cited in the Office Action for the §103(a) rejections cannot be used against the presently claimed case. Accordingly, removal of the 35 U.S.C. §103(a) rejection of claim 30 is respectfully requested.

CONCLUSION

In this response, claim 1 has been amended for clarification purposes only, and claims 24-29 have been withdrawn. Rejection of claims 1-11 and 30 have been addressed. Therefore, this response constitutes a complete response to all of the issues raised in the Office Action dated March 6, 2002. In view of the remarks traversing the rejections, Applicants assert that pending claims 1-18, 22, and 30 are in condition for allowance. If the Examiner has any questions, comments, or suggestions, the undersigned earnestly requests a telephone conference.

No fees are required for filing this amendment; however, the Commissioner is authorized to charge any additional fees, which may be required, or credit any overpayment, to Conley, Rose & Tayon, P.C. Deposit Account No. 50-1505/5298-03500.

Respectfully submitted,



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ATTACHMENT A
"Marked-Up" Amendments

IN THE CLAIMS

Please amend claim 1 as follows:

1. (Thrice Amended) A method for fabricating a metallization structure, comprising:

ion metal plasma depositing a wetting layer within a cavity of a dielectric layer;

applying a sufficient bias power to splash deposited metal at the bottom of the cavity to
sidewalls of the cavity, wherein said applying occurs [at least partly] during said
ion metal plasma depositing the wetting layer; and

sputter depositing, within a single chamber, substantially an entirety of a bulk metal layer
upon the wetting layer.